

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

DAVID GRILLO  
AMIN, TUROCY & CALVIN, LLP  
1900 E 9TH STREET  
24TH FLOOR  
CLEVELAND, OH 44114

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

12 MAY 2008

Applicant's or agent's file reference  
GEDP116WO

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
PCT/US 07/89195

International filing date  
(day/month/year)

31 December 2007 (31.12.2007)

Applicant **EWINWIN, INC.**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

**For more detailed instructions**, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

(See notes on accompanying sheet)

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference GEDP116WO	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US 07/89195	International filing date ( <i>day/month/year</i> ) 31 December 2007 (31.12.2007)	(Earliest) Priority Date ( <i>day/month/year</i> ) 29 December 2006 (29.12.2006)
Applicant EWINWIN, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☐ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 07/89195

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - G06Q 30/00, G06F 7/00 (2008.01)

USPC - 705/26; 707/6

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

USPC - 705/26; 707/6

IPC(8) - G06Q 30/00, G06F 7/00 (2008.01)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
USPC - 705/1, 28, 35, 37; 700/1, 90, 101, 213, 216; 707/1, 3, 6Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
PubWEST (USPT, PGPB, EPAB, JPAB); DIALOG PRO (Engineering) & Google; price, pricing, volume pricing, current price, offers, purchase, group purchasing, group purchasing offers, price curve, ordering, additional orders, conduct business electronically, business transactions, search, search engine, spider component, Internet...

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/0143692 A1 (Heimermann et al.) 03 October 2002 03.10.2002, entire document, especially Title, Abstract, Fig 2, 6 and Para [0008], [0015] - [0016], [0019], [0021], [0023], [0027], [0029], [0031], [0034], [0038], [0048], [0051], [0054] - [0055], [0057] - [0062], [0066], [0124], [0142], [0199], [0199], [0219], [0214], [0216], [0227], [0229], [0233], [0235] - [0236], [0240], [0242], [0250], [0253], [0255], [0270], [0272], [0274], [0278], [0298], [0300], [0306] - [0307], [0310], [0313], [0324], [0326], and [0332] - [0333].	1-10

☐

Further documents are listed in the continuation of Box C.

☐

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

03 April 2008 (03.04.2008)

Date of mailing of the international search report

12 MAY 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents

P.O. Box 1450, Alexandria, Virginia 22313-1450

Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300

PCT OSP: 571-272-7774

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

DAVID GRILLO  
AMIN, TUROCY & CALVIN, LLP  
1900 E 9TH STREET  
24TH FLOOR  
CLEVELAND, OH 44114

Date of mailing  
(day/month/year)

12 MAY 2008

Applicant's or agent's file reference  
GEDP116WO

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/US 07/89195

International filing date (day/month/year)

31 December 2007 (31.12.2007)

Priority date (day/month/year)

29 December 2006 (29.12.2006)

International Patent Classification (IPC) or both national classification and IPC

IPC(8) - G06Q 30/00, G06F 7/00 (2008.01)

USPC - 705/26; 707/6

Applicant EWINWIN, INC.

1. This opinion contains indications relating to the following items:



Box No. I Basis of the opinion



Box No. II Priority



Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



Box No. IV Lack of unity of invention



Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement



Box No. VI Certain documents cited



Box No. VII Certain defects in the international application



Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Date of completion of this opinion

03 April 2008 (03.04.2008)

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 07/89195

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed.
  - ☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US 07/89195

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	None	YES
	Claims	1-10	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	None	NO

2. Citations and explanations:

Claims 1-10 lack novelty under PCT Article 33(2) as being anticipated by US 2002/0143692 A1 to Heimermann et al. (hereinafter .Heimermann.).

As to Claim 1, Heimermann teaches a system to conduct business electronically (see para [0048] and [0054]) (100, 200, 500, 600) comprising: a query input component (see Fig. 6 and para [0300] and [0333]) (110) that accepts (see para [0255] [0324]) product purchasing criteria (see para [0250] and [0307]) from a buyer (see para [0055] and [0060]); and a search engine (see Fig. 6 and para [0333]) component (130) that retrieves (see para [0199] and [0270] . . receive.) group purchasing offers (see para [0008] and [0332]) based at least upon the product purchasing (see Abstract and para [0008] [0023]) criteria (see para [0250] and [0307]) from the buyer (see para [0055] and [0060]).

As to Claim 2, Heimermann teaches the said system, further comprising a spider component (see Fig. 6 and para [0333] . . search engine.) (210) that automatically discovers (see para [0066]) group purchasing offers (see para [0008] and [0332]) on a seller's website.

As to Claim 3 Heimermann teaches the said system, further comprising a deal room (see para [0057] and [0058]) (510) on the Internet (see para [0015] - [0016] and [0057]) wherein a product (see para [0059] and [0061]) is available for purchase (see Abstract and para [0051]) in accordance with a group purchasing offer (see para [0008] and [0332]).

As to Claim 4, Heimermann teaches the said system of claim 3, access to the deal room (see para [0057] and [0058]) (510) is restricted to buyers (see para [0055] and [0060]) registered (see para [0219] and [0227] . . authorized.) under terms (see para [0214] and [0216]) established by a seller of the deal room.

As to Claim 5, Heimermann teaches the said system of claim 4, further comprising an invoice (see Fig. 2 and para [0124] and [0242]) component (520) that stores (see para [0235] - [0236] and [0278]) an open invoice of a purchase (see Abstract and para [0051]) completed in the deal room (see para [0057] and [0058]).

As to Claim 6, Heimermann teaches the said system of claim 5, the invoice (see Fig 2 and para [0124] and [0242]) component monitors (see para [0229] [0240]) the deal room (see para [0057] and [0058]) (510) and updates (see Fig. 6 and para [0142] and [0300]) the invoice to reflect changes in the current price (see para [0060] and [0062]) resulting from additional orders (see Abstract and para [0298] and [0313]).

As to Claim 7, Heimermann teaches a method to facilitate business transactions (see para [0054] and [0060]) comprising discovering volume pricing (see para [0031] and [0057]) offers (see para [0034] and [0060]) based upon a product (see para [0059] and [0061]) a current price (see para [0060] and [0062]) a potential price and/or a shipping schedule; and purchasing (see Abstract and para [0051]) goods (see Abstract and para [0008] [0023]) in accordance with a discovered volume pricing offer.

As to Claim 8, Heimermann teaches the said method of purchasing (see Abstract and para [0051]) goods (see Abstract and para [0008] [0023]) comprising ordering (see Abstract and para [0298]) goods in a deal room (see para [0057] and [0058]) over the Internet (see para [0015] - [0016] and [0057]).

As to Claim 9, Heimermann teaches the said method, further comprising tracking future purchases (see para [0027] and [0233]) under the discovered volume pricing (see para [0031] and [0057]) offer by other buyers (see para [0055] and [0060]) to provide an updated and current price (see para [0060] and [0062]) of the goods (see Abstract and para [0008] [0023]) in accordance with a price curve (see para [0031] and [0057]).

- Please See Continuation Sheet .

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 07/89195

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box No. V - 2. Citations and explanations:

As to Claim 10, Heimermann teaches a system to discover and facilitate business transactions (see para [0054] and [0060]) (100,200, 300) comprising: means (210) for indexing (see para [0272] [0310]) and storing (see para [0235] - [0236] and [0278]) volume pricing (see para [0031] and [0057]) offers (see para [0034] and [0060]) created by sellers; means (130) for retrieving (see para [0199] and [0270] .receive.) volume pricing offers (see para [0034] and [0060]) in accordance with criteria (see para [0250] and [0307]) supplied by buyers (see para [0055] and [0060]); and means (310) for filtering and sorting (see para [0229] [0240] - .monitors.) retrieved volume pricing offers based on buyer profiles (see para [0008] and [0021] .information.) and/or most relevant buyer criteria.

Claims 1-10 have industrial applicability as defined by PCT Article 33(4) because the subject matter claimed can be made or used in industry.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers, claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### **"Statement under Article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### **Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### **Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.